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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/743,117

12/22/2003

Jerome I. Paulson

8468

32993 7590 06/24/2004  
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EXAMINER

HEWITT, JAMES M

ART UNIT

PAPER NUMBER

3679

DATE MAILED: 06/24/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/743,117

Applicant(s)

PAULSON, JEROME I. 

Examiner

James M Hewitt

Art Unit

3679

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-2, 8-9, 14-16 is/are rejected.
- 7) ☒ Claim(s) 3-6, 10-13 and 17-20 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 December 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 12/22/03.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_.

## **DETAILED ACTION**

### ***Drawings***

The drawings are objected to because: in Figure 1, numeral '11' should be replaced with numeral '12', and numeral '12' should be replaced with numeral '13' so as to be in accord with the specification; in Figures 1, 3 and 7, numeral '33' should be replaced with numeral '34' so as to be in accord with the specification. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

### ***Claim Objections***

Claims 2-20 are objected to because of the following informalities:

In claim 2 line 3, the layer of accumulated particles is said to be along said outer side of said fitting. This makes it seem as if the particles are located on the outer surface of the fitting as opposed to on the inner surface of the fitting.

In claim 4 line 2, the phrase "of said elbow fitting" should be inserted after "inner side".

In claim 6 line 1, "said" should be inserted before "elbow".

In claim 8 line 2, "systems" should be "system".

In claim 8 lines 9-10, the layer of accumulated particles is said to be along said outer side of said fitting. This makes it seem as if the particles are located on the outer surface of the fitting as opposed to on the inner surface of the fitting.

In claim 10 line 1, "said providing step" should be replaced with "said step of providing an inlet transition portion of said elbow fitting" for clarity.

In claim 11 line 4, the layer of accumulated particles is said to be along said outer side of said fitting. This makes it seem as if the particles are located on the outer surface of the fitting as opposed to on the inner surface of the fitting.

In claim 14 line 5, "said inlet portion" should be replaced with "an inlet portion".

In claim 15 line 2, "an inlet portion" should be replaced with "said inlet portion".

In claim 18 line 3, the layer of accumulated particles is said to be along said outer side of said fitting. This makes it seem as if the particles are located on the outer surface of the fitting as opposed to on the inner surface of the fitting.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-2, 8-9, and 14-16 are rejected under 35 U.S.C. 102(b) as being anticipated by Weiste (US 6,443,671).

With respect to claim 1, Weiste discloses an elbow fitting for use in effecting directional changes from an inlet pipe to an outlet pipe in a pneumatic product conveying system comprising: a circular inlet portion (2) connectable to said inlet pipe to receive a flow of product particles therefrom; an inlet transition portion (portion between sections 2 and 5) connected to said inlet portion and expanding from a generally circular cross-section to an expanded non-circular cross-section having an outer side width dimension that is greater than a diameter dimension of said inlet portion, said inlet transition portion expanding in depth into an outer side of said elbow fitting, an inner side of said elbow fitting maintaining a linear relationship with respect to said inlet portion and said inlet pipe; a curved expanded portion (5) connected to said inlet transition portion and carrying said width dimension through an angular deflection; an outlet transitional portion (between sections 5 and 8) connected to said curved expanded portion to reduce the reduce the cross-sectional area from said expanded non-circular cross-section to said generally circular cross-section (as at 8); and an outlet portion (9) having said circular cross-section and being connected to said outlet transitional portion, said outlet portion also being connectable to said outlet pipe to convey said flow of product particles into said outlet pipe.

With respect to claim 2, wherein said expanded outer side of said fitting causes a reduction of velocity of said flow of particles from said inlet pipe to create a layer of accumulated product particles along said outer side of said fitting. This is considered inherent to Weiste's fitting.

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With respect to claim 8, Weiste discloses a method of effecting a directional change in a flow path of product particles through a pneumatic product conveying system having an inlet pipe, an outlet pipe and an elbow fitting (1) interconnecting said inlet and outlet pipes to provide structure for effecting said directional change, comprising the steps of: providing said elbow fitting with an expansion in dimension toward an outer side of said elbow fitting, said expansion of dimension including an increase in depth measured from an inner side of said fitting and an increase in effective width with respect to said inner side; establishing a layer of accumulated product particles along said outer side of said elbow fitting, said layer of particles moving toward said outlet pipe at a velocity slower than a velocity of incoming particles moving from said inlet pipe into said elbow fitting; and deflecting said incoming product particles off said layer of accumulated product particles to effect a change of direction of said incoming product particles toward said outlet pipe.

It is considered inherent to Weiste's fitting that particles will accumulate, if only minimally along the outer side of the fitting. These particles will move at a slower velocity than incoming particles. The incoming particles will thus be deflected off of said accumulated particles and effect a change in direction of said incoming particles toward said outlet pipe.

With respect to claim 9, wherein said providing step includes providing an inlet transition portion of said elbow fitting to change a cross-sectional configuration of said elbow fitting from a generally circular cross-section at said inlet pipe to an expanded non-circular cross-section in said elbow fitting.

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With respect to claims 14-16, refer to the above rejection of claim 1.

### ***Allowable Subject Matter***

Claims 3-6, 10-13 and 17-20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims and overcoming the above noted objections (see ***Claim Objections*** above).

### ***Conclusion***

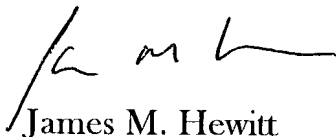
The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James M Hewitt whose telephone number is 703-305-0552. The examiner can normally be reached on M-F, 930am-600pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel Stodola can be reached on 703-308-2686. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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